

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090

MDL No. 2804

Hon. Dan Aaron Polster

and

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.,*
Case No. 1:18-op-45004

**DISTRIBUTOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON
PLAINTIFFS' NEGLIGENCE PER SE CLAIMS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Court's Amended Order Regarding Pretrial Motions for "Track One" Trial, Doc. No. 1709, Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Prescription Supply Inc., H. D. Smith, LLC, f/k/a H. D. Smith Wholesale Drug Co., H. D. Smith Holdings, LLC, H. D. Smith Holding Company, Henry Schein, Inc., Henry Schein Medical Systems, Inc., and Anda, Inc. (collectively, "Distributor Defendants") move for summary judgment on Plaintiffs' negligence per se claims for the reasons given in the accompanying memorandum of law, which is incorporated here.

Dated: June 28, 2019

Respectfully submitted,

/s/ Geoffrey E. Hobart

Geoffrey E. Hobart
Mark H. Lynch
Christian J. Pistilli
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

Counsel for Defendant McKesson Corporation

/s/ F. Lane Heard III

Enu Mainigi
F. Lane Heard III
George A. Borden
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
gborden@wc.com
ahardin@wc.com

Counsel for Defendant Cardinal Health, Inc.

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com

Counsel for Defendant AmerisourceBergen Drug Corporation

/s/ John J. Haggerty

John J. Haggerty (0073572)
James C. Clark
Stephan A. Cornell
FOX ROTHSCHILD LLP
2700 Kelly Road, Suite 300
Warrington, PA 18976
Tel: (215) 345-7500
Fax: (215) 345-7507
jhaggerty@foxrothschild.com
jclark@foxrothschild.com
scornell@foxrothschild.com

Counsel for Defendant Prescription Supply Inc.

/s/ William E. Padgett

William E. Padgett (IN No. 18819-49)
Kathleen L. Matsoukas (IN No. 31833-49)
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
Tel: (317) 236-1313
Fax: (317) 231-7433
william.padgett@btlaw.com
kathleen.matsoukas@btlaw.com

*Counsel for Defendants H. D. Smith, LLC, f/k/a
H. D. Smith Wholesale Drug Co., H. D. Smith
Holdings, LLC and H. D. Smith Holding
Company*

/s/ John P. McDonald

John P. McDonald (TX Bar # 13549090)
C. Scott Jones (TX Bar # 24012922)
Lauren M. Fincher (TX Bar # 24069718)
Brandan J. Montminy (TX Bar #24088080)
LOCKE LORD LLP
2200 Ross Avenue
Suite 2800
Dallas, TX 75201
Tel: (214) 740-8445
Fax: (214) 756-8110
jpmcdonald@lockelord.com
sjones@lockelord.com
lfincher@lockelord.com
brandan.montminy@lockelord.com

*Attorneys for Defendants Henry Schein, Inc.
and Henry Schein Medical Systems, Inc.*

/s/ James W. Matthews

James W. Matthews
Katy E. Koski
Kristina Matic
FOLEY & LARDNER LLP
111 Huntington Avenue
Boston, MA 02199
Tel: 617.342.4000
Fax: 617.342.4001
jmatthews@foley.com
kkoski@foley.com
kmatic@foley.com

Counsel for Defendant Anda, Inc.

CERTIFICATE OF SERVICE

I hereby certify that Distributors have served the foregoing on the Parties, the Court, and the Special Masters in accordance with the Court's directions at Doc. No. 1719.

/s/ Robert A. Nicholas
Robert A. Nicholas